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6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR-11-00329 SBA
	)	
11 Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO JUNE 5, 2012 FOR
12 v.	)	JUDGMENT AND SENTENCING AND
	)	TO EXCLUDE TIME UNDER THE
13	)	SPEEDY TRIAL ACT AND ORDER
	)	
14 DUSTIN MICHAEL BURT,	)	
	)	
15 Defendant.	)	Hearing Date: May 18, 2012
	)	Time: 10:00 a.m.
16	)	

17 The above-captioned matter is set on May 18, 2012 before this Court for judgment, plea  
18 and sentencing. The parties jointly request that the Court continue the matter to June 5, 2012 at  
19 10:00 a.m. for judgment, plea and sentencing, and that the Court exclude time under the Speedy  
20 Trial Act, 18 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and June 5, 2012.

21 The parties reached a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement  
22 and previously submitted that agreement to the Court. The parties requested that the Court take  
23 the parties' proposed plea agreement under submission and that the Court refer this matter to the  
24 United States Probation Office for a full pre-sentence investigation. The report is almost  
25 complete. The parties request this continuance to give the parties and probation office sufficient  
26 time to prepare this matter for sentencing.

Stip. Req. To Continue Hearing Date and to  
Exclude Time, No. CR-11-00329 SBA

The parties agree that time should continue to be excluded pursuant to 18 U.S.C. § 3161(h)(1)(G) based on the Court's consideration of the proposed plea agreement to be entered into by the defendant and the attorney for the Government. A copy of the plea agreement was previously submitted to the Court.

/s/

DATED: April 20, 2012

**BRIAN LEWIS**  
Assistant United States Attorney

/s/

DATED: April 20, 2012

ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**


Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties have reached a Rule 11(c)(1)(C) agreement and have submitted that agreement to the Court for consideration;
2. Given that Mr. Burt has signed a consent to institute a pre-sentence investigation and to disclose the report before his plea of guilty;
3. Given that the Court has ordered a full Presentence Investigation Report and has taken the proposed plea agreement under submission until sentencing; and
4. Given that the parties and probation office need more time to prepare this matter for sentencing.

Based on these findings, IT IS HEREBY ORDERED that the hearing on May 18, 2012, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and this matter is reset to June 5, 2012, at 10:00 a.m., for judgment, plea and sentencing.

IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), from the date of this Stipulation to June 5, 2012, based on the Court's consideration of the proposed plea agreement to be entered into by the defendant and the attorney for the government.

April 23, 2012

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge